

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C) .No. 19396 of 2007 (H)

PETITIONER:

1. CHACKO, S/O. CHACKO,
AGED 76 YEARS, MACHANIKKAL HOUSE, AVIDENELLUR AMSOM
DESOM AND VILLAGE, KOYILANDI TALUK, KOZHIKODE,
AVIDENELLUR P.O., NADUVANNOOR VIA., KOYILANDI TALUK
KOZHIKODE.
2. RAVEENDRANATHAN, S/O. NARAYANAN NAIR,
AGED 52 YEARS, NADUVANNOOR AMSOM, DESOM AND
VILLAGE, KOYILANDI TALUK, KOZHIKODE DISTRICT.
3. MOHAMMED HAJI, S/O. KUNHIPARIYEYI HAJI,
AGED 70, PENSIONER, NELLIATT HOUSE, AVITANALLUR
AMSOM, DESOM, KOYILANDI TALUK, KOZHIKODE.

BY ADV. SRI. JACOB SEBASTIAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.
2. DISTRICT COLLECTOR, KOZHIKODE.
3. REVENUE DIVISIONAL OFFICER, KOZHIKODE.
4. THE TAHSILDAR,
TALUK OFFICE, KOYILANDI.
5. THE KOTTUR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, KOTTUR, KOYILANDI TALUK,
KOZHIKODE DISTRICT.

G.P. SHRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.19396 of 2007

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Dated this the 25th day of June, 2007

J U D G M E N T

Petitioners challenge Exts.P14 to P16 notices by which they were directed to vacate the proprieties mentioned therein, within three days. Petitioners submit that these notices were not preceded by any earlier notice or hearing as contemplated by the Kerala Land Conservancy Act and Rules. They would further submit that the impugned orders have been passed violating the principles of natural justice.

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader.

3. The learned Government Pleader could not satisfy me that Exts.P14 to P16 have been preceded by a show-cause notice and a hearing, and therefore the impugned notices are violative of the principles of natural justice. The same is also not in compliance with the provisions of the Kerala Land Conservancy Act and Rules. The impugned orders also do not disclose any reason as to why emergency provisions under the Act and Rules are to be

invoked. However, I do not think that it is necessary to quash Exts.P14 to P16 in view of the orders I propose to pass in this writ petition.

4. After hearing both sides, I dispose of this writ petition with the following directions:

4th respondent shall treat Exts.P14 to P16 as show-cause notices issued to the petitioners. The petitioners shall file their objections within ten days from today. On receipt of the same, the 4th respondent shall pass fresh orders after affording an opportunity of being heard to the petitioners including opportunity to adduce evidence. Final orders to be passed by the 4th respondent shall contain reasons for the decision dealing with the specific contentions of the petitioners against eviction. Needless to say, till final orders are passed, further proceedings for eviction of the petitioners shall be kept in abeyance.

Writ petition is disposed of as above.

